

APPLICANT(S): CARTER-SMITH, Michael
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REMARKS

The present response is intended to be fully responsive to all points of objection and rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-14 are pending in the application. Claims 4-10 have been objected to. Claims 1-3 and 11-14 have been rejected. Claims 1-2, 4-6 and 8-13 have been amended.

Claim 7 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

New claim 14 has been added in order to further define what the Applicants consider to be the invention.

Claim 8 was omitted from the publication, in which claims are listed in order from claim 1 to claim 7, proceeding directly to claim 9. Applicants renumbering of claims 8-14, reflects this omission.

Applicants respectfully assert that no new matter has been added to the claims.

Claim Objections

In the Office Action, the Examiner objected to claims 4-10 because of alleged informalities. Claims 4-10 has been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

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In the Office Action, the Examiner rejected claims 1-3 and 12-14 under 35 U.S.C. § 112, second paragraph because as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner rejects claim 1 under 35 U.S.C. §112, second paragraph, for having insufficient antecedent basis for the limitation "the inner surface" in line 3. Claim 1 has been amended to correct this deficiency.

In the Office Action, the Examiner alleges that in claim 2, the phrase "for example" or "e.g." renders the claim indefinite. In response, Applicant amended claim 2, to overcome the indefiniteness deficiency noted by the Examiner.

In the office action, the Examiner alleges that multiple ranges recited in claim 12, renders that claim indefinite. In response, Applicant amended claim 12, to overcome the indefiniteness deficiency noted by the Examiner.

It is respectfully asserted that the foregoing amendments merely addresses matters of form and do not change the literal scope of the amended claims in any way, or result in any prosecution history estoppel.

Applicants respectfully assert that these amendments render claims 1, 2 and 12 proper under 35 USC 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent 4,122,852 to Knetsch et al., . Applicants respectfully traverse this rejection in view of the remarks that follow.

Knetch et al., discloses "attached to the inside of the apex portion of the resilient clamping ring" (col. 2, lines 1-4, emphasis added). Knetch et al., does not teach or suggest "a ring having a visual indicator visible when the ring is worn and a projection extending inwardly from an inner surface of said acupressure ring, the projection being approximately orthogonal to a visual indicator,..." as recited in amended independent claim 1. In the Kentch et al., patent, the pressure device is attached to the apex (see above), that is, in the para position and not orthogonal to the visual indicator. In addition, the purpose of the break

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indicated in the ring device of the Knetch et al., patent, is to accommodate a clamp member and not as recited in amended claim 1, to serve as "a visual indicator".

It is well established, that for a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Knetch et al., does not anticipate claim 1, as amended.

In the Office Action, the examiner alleges that claims 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,636,531 ("the '531 patent") to Miller. Specifically, the Examiner alleges that the '531 patent to Miller teaches an acupressure ring for use on the outer finger, and comprising a ring having a screw, the screw comprising a shank extending through the ring, the shank being attached at one end to a head portion and bearing a screw portion engaging with a corresponding screw extending through the ring; the shank has an enlarged portion at the end of the end remote from the head. Applicants respectfully disagree.

The '531 patent to Miller discloses "a finger ring size opening adjustment device for enhancing the retention of a finger ring upon the wearer's finger and, more particularly to an adjustment device adapted to the ring shank for permitting passage of the ring over an enlarged knuckle for fitting a digital portion of the finger" (col. 1, lines 6-12). The '531 patent does not teach or discloses an acupressure ring. Further, the '531 patent to Miller discloses that "It is therefore a further object of the invention to provide a projection-free shank while the ring is being worn in its sized position" (col. 4, lines 27-29), which in essence teaches away from claim 12, in which the recited protrusion "extends from 1.0 to 2.5 mm" and is therefore in direct opposition to the "protrusion free" objective of the '531 patent to Miller.

Accordingly, Applicants respectfully assert that amended independent claims 1 and 10 (formerly 11) are allowable. Amended claim 13 depend from, directly from claim 10 (formerly 11), and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that amended claim 13 is likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 1 and 10 (formerly 11) and to claims 2-3 and 13 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-3, 11 (currently 10) and 13 (currently 12).

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35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 12 and 14 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,636,531 to Miller.

Applicants respectfully traverse the rejection of claims 12 and 14 under U.S. Patent No. 5,636,531 to Miller.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The U.S. Patent No. 5,636,531 to Miller does not teach or suggest all the limitations of claim 10 (formerly independent claim 11), nor does it teach or suggest all the limitations of amended, dependent claims 12 and 14. U.S. Patent No. 5,636,531 to Miller has been discussed above. That discussion is applicable here. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since U.S. Patent No. 5,636,531 to Miller, does not teach or suggest all the elements of independent amended claim 10 (formerly 11), the Examiner fails to establish a prima facie showing that U.S. Patent No. 5,636,531 to Miller, teaches or suggests every feature of amended claims 12 and 14.

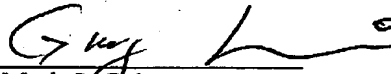
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Respectfully submitted,



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